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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,952	12/13/2000	Mai-lan Tomsen	005217.P010	8227
33318	7590	01/30/2006		EXAMINER
DIGEO, INC. 8815 122ND NE KIRKLAND, WA 98033				BUI, KIEU OANH T
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/736,952	TOMSEN, MAI-LAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	KIEU-OANH T. BUI	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 September 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Remark***

1. By a mistake, the Office considers the previous office action dated 05/23/05 being a final office action; and the examiner confirmed with the applicant's representative on 07/13/05 was in fact a non-final office action instead.

### ***Claim Rejections - 35 USC 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Von Kohorn (U.S. Patent No. 5,227,874).

Regarding claim 1, Von Kohorn discloses “a method, comprising: correlating different sets of information to determine whether to provide a promotion; if the promotion is to be provided, providing a broadcast segment that displays information related to the promotion as part of an interactive video display transmission; and processing a command sent from a user input device in response to the displayed information to initiate a transaction related to the promotion”, i.e., as shown in Figs. 1-4, a user can participate in an interactive video display session within the television/video interactive system using a remote user input device for controlling and providing the user commands in response to the displayed information relate to a promotion on the display screen, refer to col. 1/line 43-col. 2/line 27 for advertisements and promotional campaign for inviting the viewer to buy a product(s) or service(s), and further on

col. 2/lines 40-65, col. 3/lines 43-66, col. 6/line 44 to col. 7/line 20; and further in col. 47/line 40 to col. 48/line 65 for an example of interactive video display for determining whether to provide a promotion, see the examiner's discussion below).

As for claim 2, Von Kohorn discloses “wherein information includes a first set of data related to product data and a second set of data related to the broadcast segment”, i.e., the television screen provides standard outputs for viewing on product data as advertisements is broadcasting to the viewer along with the instruction signals regarding as a second set of data related to the broadcast segment, refer to Fig. 3 and col. 13/line 31 to col. 14/line 6.

As for claim 3, Von Kohorn discloses “wherein information includes a third set of data related to a user profile”, i.e., stimuli is gathered and recorded as the user’s profile of behavior in buying products/services for providing future appropriate products/services for personal selections for even individuals within a household, refer to col. 3/lines 43-66.

As for claim 4, Von Kohorn discloses “wherein the product data comprises data indicative of one of broadcast segment, date, time, season, or merchant product volume information” (col. 2/lines 43-64).

As for claim 5, Von Kohorn further discloses “wherein the user profile comprises data indicative of one of a purchase history, personal interest, income level, gender, age, or broadcast segment viewing history” (col. 2/lines 43-64 and col. 100/line 35 to col. 101/line 29 & col. 102/lines 6-20 for user behavior or purchase history with individual or personal interest is used by the system for targeting future advertisements or promotions).

As for claim 6, Von Kohorn further discloses “comprising generating the purchase history by storing information indicative of previous user transactions with a network accessible via an interactive video casting system” (col. 102/lines 6-20, refer back to claim 5 above).

As for claim 7, Von Kohorn discloses further “comprising subsequent to processing the command sent from the user input device, applying the promotion to a transaction with a user”, i.e., as discussed above in claim 1, the user uses a remote input device for processing the command, and the promotion offered can be selected to the transaction, refer to Fig. 28 for the process of presenting the advertising product to the viewer and the viewer selects an area of interest, and further based on response, the user has further credits/rewards for future promotions, refer again to col. 2/lines 43-64).

As for claim 8, Von Kohorn further discloses “comprising subsequent to processing the command sent from the user input device, storing in a storage unit a credit related to the promotion that is usable for a future transaction” (accumulated records or credit or coupon can be stored for later or future transactions, refer to Fig. 33 and col. 101/lines 30-64).

As for claim 9, Von Kohorn discloses “wherein the command comprises a first command, the method further comprising: comparing a user's current transaction conducted via the interactive video display transmission to promotion information stored in a storage unit associated with the user, the promotion information corresponding to at least one promotion previously provided to the user; if the at least one promotion corresponding to promotion information stored in the user's storage unit is applicable to the user's current transaction, providing all applicable promotions to the user; receiving a second command sent from the user input device to apply at least one of the provided promotions to the user's current transaction;

and removing information related to the applied at least one promotion from the storage unit” (refer to claims 1, and 7-8 above, as the user can present credit or coupon at the user’s unit at step 1015 by printing the credit at step 1007, which indicated the user record 1018 can be stored at the user device; in addition, Fig. 18 shows a response unit from the viewer includes a memory for storing accumulated records, refer to col. 57/line 41 to col. 58/line 21).

As for claim 10, Von Kohorn discloses “wherein the command comprises a first command, the changing a frequency of providing of promotions in method further comprising response to a second command received from the user input device” (col. 1/lines 35-58, as the frequency or campaign of advertisement changes, the selection from the user is changing according based on the available of products or services).

As for claim 11, Von Kohorn further discloses “comprising correlating a calendar entry in a calendar associated with a user, the calendar entry including information to provide the promotion” (col. 107/lines 29-42 as any time of the calendar associated with a viewer/user which can be applied for providing advertisements or promotions to the viewer).

As for claim 12, Von Kohorn discloses “wherein the interactive video display transmission comprises a transmission from an interactive video casting system” (Figs. 1 & 3, col. 2/lines 43-64 and col. 67/lines 13-66 for a broadcasting video system as TV viewers can interact or participate in the video casting system for an event or a game show).

As for claim 13, Von Kohorn discloses “wherein the interactive video display transmission is provided from an interactive video casting system, the method further comprising using information related to previous use of the interactive video casting system to provide a

promotion based on frequency of use of the interactive video casting system" (refer to claims 6, 8 and 10).

As for claim 14, Von Kohorn discloses further "comprising: storing information related to the promotion in a storage location if at least a portion of the broadcast segment is stored; and retrieving the stored information from the storage location during retrieval of the stored portion of the broadcast segment and providing the promotion along with the retrieved portion of the broadcast segment to the user" (accumulated records or credit or coupon can be stored for later or future transactions, refer to Fig. 33 and col. 101/lines 30-64).

Regarding claims 15-18, 19-25, 26-30, and 31-34, these claims for "an article of manufacture, comprising a machine-readable medium having stored thereon machine-readable instructions" applied the above method; for "a server for an interactive video casting system" (Fig. 6 for a central station equipped with a processor, and, as shown in Fig. 31, the central station further includes or comprises a data facility for storing the user's profiles); and for the system and its corresponding method, with combined above limitations already addressed above and amended feature of correlate different sets of information to determine whether to provide a promotion and if the promotion is to be provided, combine the promotion with a broadcast, are all rejected for the reasons given in the scope of claims 1-14 as disclosed in details above.

***Response to Arguments***

4. Applicant's arguments filed on 9/01/05 have been fully considered but they are not persuasive.

Applicant amends claims 1, 15, 19, and 26 and points out with a method now "different sets of information" are correlating to determine whether to provide a promotion, and if the promotion is to be provided, providing a broadcast segment that displays information related to the promotion as part of an interactive video display transmission. In fact, Von Kohorn discloses the same technique as amended as Von Kohorn teaches on column 47, line 40 to column 48, line 65 for an example of interactive session between the television advertisers and/or merchandisers to provide available products and services and additional information related to the products and services on the television, and based on the information collected from the viewers, i.e., the advertisers collects answers from viewers for gathering demographics information (further on col. 106/lines 10-22 as even to a family or an individual can be targeted with appropriate promotion), are used to determine whether to provide an appropriate promotion; and the stimulus can be in any form, including TV and radio commercials and etc. (col. 100/lines 23-59) and the presentation of product can be displayed on the television (col. 82/lines 55-63).

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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KB

January 9, 2006